IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.51932 of 2008
ANIL MEHTA, S/o Shri Keshav Mehta, resident of village – Nehaluchak, P.S. Nawadah, District – Nawadah.
….. Petitioner.

Versus

THE STATE OF BIHAR ….. Opp. Party

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4. 25.3.2009 Perused the report submitted by the District Judge, Nawadah, which has at its Flag 'X' submitted by Sri Madhukar Kumar, Judicial Magistrate, Ist Class, Nawadah as also that of the Superintendent of Police, Nawadah (Flag 'Y'). It is apparently clear from the report of the Judicial Magistrate that the investigation of the case has been handed over to the C.I.D. and when it approached the C.J.M., Nawadah for seeking its permission to further investigate the case, the C.J.M. refused the permission.

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This court is of the opinion that the investigating agency has a power to reinvestigate the case under Section 173(8) of the Cr.P.C. and as a matter of showing courtesy to court it could merely inform it that it was further investigating the case. It was none of the business of the C.J.M. to refuse or put a spanner in the further investigation of the case.

Let the Registrar General of this Court transmit a copy of this order to the D.G.P., Bihar in connection with

Nawadah Town P.S. Case No. 208 of 2006, who shall direct the concerned section of the C.I.D. to further investigate that particular case from an angle of finding the complicity of the persons or officers, who were sitting at the time of bid for the minor mineral.

No further order is required to be passed.

DKS/ **(Dharnidhar Jha, J.)**

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